

AUCTIONEERS BOARD MEETING

MINUTES

The Virginia Auctioneers Board met on January 17, 2008, at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia, with the following members present:

William C. Bryant, III
Mark T. Motley
Amy Pence
Erlita Joanne Wang

Staff present for all or part of the meeting were:

Jay W. DeBoer, Director
Saba L. Shami, Chief Deputy
Karen W. O'Neal, Deputy Director of Licensing and Regulation
Mark N. Courtney, Executive Director
Marian H. Brooks, Board Administrator
Michelle Gowen, Administrative Assistant
Victoria S. Traylor, Legal Analyst

Board member George T. Garten was not present at the meeting.

Tom Nesbitt, Assistant Attorney General, was present at the meeting.

Finding a quorum of the Board present, Mr. Motley, Chair, called the meeting to order at 10:09 a.m.

Call to Order

Mr. Bryant moved to approve the agenda. Ms. Wang seconded the motion which was unanimously approved by members: Bryant, Motley, Pence, and Wang.

Approval of Agenda

Mr. Motley introduced new Board member William C. "Bill" Bryant, III, and welcomed him to the Board.

Introduction of New Board Member

Mr. Courtney introduced Saba L. Shami, Chief Deputy, and welcomed him to the Department.

Introduction of New Department Staff

Mr. Bryant moved to approve the minutes from the following meetings:

Approval of Minutes

October 18, 2007, Auctioneers Board meeting; and
December 6, 2007, Informal Fact-Finding Conference.

Ms. Pence seconded the motion which was unanimously approved by

members: Bryant, Motley, Pence, and Wang.

Public Comment Period – There were no comments made to the Board.

Public Comment

Mr. Kelley was present to express his appreciation to the Board for hearing his case and to answer any questions that the Board may have.

File Number 2007-00777, Hunter M. Kelley

Regarding **File Number 2007-00777, Hunter M. Kelley**, the Board members reviewed the Consent Order as seen and agreed to by Mr. Kelley. Ms. Pence moved to accept the Consent Order which cites the following violations of the Board's regulations: 18 VAC 25-21-110 (Count 1); 18 VAC 25-21-150.A (Count 2); and 18 VAC 25-21-150.C (Count 3). For these violations, Mr. Kelley agrees to the following sanctions: \$150.00 for the violation contained in Count 1; \$150.00 for the violation contained in Count 2; \$200.00 for the violation contained in Count 3; as well as \$500.00 in Board costs for a total monetary penalty of \$1,000.00; as well as a 1 year probation period during which Mr. Kelley agrees to comply with the rules and regulations of the Auctioneers Board and not to violate any state, local or federal laws or regulations. Ms. Wang seconded the motion which was unanimously approved by members: Bryant, Motley, Pence, and Wang.

Regarding **File Number 2006-03807, Glenn Moses Miller, Jr.**, the Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the investigative file, transcripts and exhibits, and Summary of the Informal Fact-Finding Conference. Ms. Wang moved to accept the Summary of the Informal Fact-Finding Conference as to the facts, which cites the following violations of the Board's regulations: 18 VAC 25-21-110 (Count 1); 18 VAC 25-21-150.A (Count 2); 18 VAC 25-21-150.E (Count 3); 18 VAC 25-21-180.A.4 (Count 4); and 18 VAC 25-21-160 (Count 5). Ms. Pence seconded the motion which was unanimously approved by members: Bryant, Motley, Pence, and Wang.

File Number 2006-03807, Glenn Moses Miller, Jr.

Ms. Traylor informed the Board that Mr. Miller had no prior violations. Mr. Bryant moved to accept the recommended sanctions as contained in the Summary of the Informal Fact-Finding Conference: \$500.00 for the violation contained in Count 1; \$500.00 for the violation contained in Count 2; \$500.00 of the violation contained in Count 3; \$500.00 and revocation for the violation contained in Count 4; \$500.00 for the violation contained in Count 5; and \$500.00 in Board costs for a total monetary penalty of \$2500.00. Ms. Pence seconded the motion which was unanimously approved by members: Bryant, Motley, Pence, and Wang.

The Board members were provided with the November 2007 financial statements for informational purposes. Mr. Motley requested that the Board be provided with enforcement activity information at each meeting.

Review Financial Statements

Mr. Courtney reviewed a memorandum from Sharon Sweet, Director of Examinations, regarding Ricky Foster.

Other Business

The Board members were provided with a copy of the *Auction Digest* for review. Mr. Motley requested that the link to the Board approved continuing education classes be included in the newsletter before it is posted on the web site.

Mr. Courtney informed the Board that he spoke at the Virginia Auctioneers Association annual meeting in Bristol on Friday, January 11.

Mr. Courtney noted that the general review of the regulations is in the Governor's office awaiting review and, once approved, will be filed for a 30-day public comment period.

Mr. Courtney informed the Board members that Karen O'Neal would be retiring and that this is her last meeting with the Board.

Conflict of Interest forms were completed by all members present.

Conflict of Interest Forms

There being no further business, the meeting was adjourned at 10:53 a.m.

Adjourn

Mark T. Motley, Chair

Jay W. DeBoer, Secretary